

N. Digest.

In the Matter of the Petition of)

MCIMETRO ACCESS )

TRANSMISSION SERVICES, INC. )

For an Order Overturning the )

Pooling Administrator's Denial )

Of an Application for Central )

Office Code (NXX) Thousands- )

Block Assignment Request. )

Decision and Order No. 21325

<sup>3</sup>MCI requests that its Petition be handled expeditiously since it must meet customer service dates by August or September 2004.

The Petition was served on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"). The Consumer Advocate filed a preliminary statement on July 27, 2004, advising the commission that it has certain concerns with MCI's Petition, and that it will state its position upon the completion of its investigation. The Consumer Advocate served MCI with information requests ("IRs") on July 27, 2004. MCI responded to the Consumer Advocate's IRs on August 3, 2004 ("Response"). On August 12, 2004, the Consumer Advocate filed its statement of position ("SOP") advising the commission that it does not object to MCI's requested relief.<sup>4</sup>

## II.

### MCI's Request

MCI is a Delaware corporation authorized to do business in the State of Hawaii ("State"). MCI holds a certificate of authority to provide "intrastate interexchange telecommunications services" in the State.<sup>5</sup>

MCI is in the final stages of installing a new switch in Honolulu, located at 733 Bishop Street, Honolulu, Hawaii. The new Hawaii switch will be used to provide voice service to customers in the rate centers of Honolulu, Hilo, Lihue, Wailuku, Kaunakakai, and Lanai City on the islands of Oahu, Hawaii, Kauai,

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<sup>4</sup>In a letter dated August 24, 2004, and filed on August 25, 2004, MCI provided clarifications concerning its Petition.

<sup>5</sup>See, Decision and Order No. 15898, filed on September 10, 1997, in Docket No. 97-0190.

Maui, Molokai, and Lanai, respectively ("Service Areas"). MCI intends to provide services to these rate centers through the new switch by August or September 2004. To this end, MCI states that it must be assigned numbering resources and establish a unique Local Routing Number ("LRN") for each of the rate centers.

A LRN is a ten (10) -digit number (i.e. NPA-NXX-XXXX) which uniquely identifies a switch or point of interconnection.<sup>6</sup> The NPA-NXX portion of the LRN is used to route calls to the appropriate local exchange switch.<sup>7</sup> Due to requirements of Verizon Hawaii Inc. ("Verizon Hawaii"), the State's incumbent local exchange carrier, a unique LRN is required for each island to route calls to the proper tandem switch and 911 emergency services.<sup>8</sup>

MCI applied for six (6) NXX thousands-block codes from the PA on June 16, 2004, through the Pooling Administration System. The request was denied since MCI was unable to meet the months-to-exhaust and utilization requirements of the Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("Numbering Guidelines"). In particular, MCI failed to satisfy the Numbering Guidelines' requirement that seventy-five (75) per cent or more of the carrier's line numbers be utilized before the carrier can obtain additional numbering resources.<sup>9</sup>

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<sup>6</sup>See, Petition at 3.

<sup>7</sup>Id.

<sup>8</sup>Id.

<sup>9</sup>See, Petition at 4.

MCI does not dispute that it was previously assigned numbering resources for the Service Areas and that less than seventy-five (75) per cent of those numbers are currently in use.<sup>10</sup> However, MCI asserts that those numbering resources are assigned to its switch in San Diego, California. While MCI contemplated and investigated using the numbering resources dedicated to the San Diego switch, or reconfiguring its San Diego switch so that no new numbering resources would be needed, it determined that these alternatives were impractical. MCI states that moving the numbering resources from the San Diego switch to the Honolulu switch would cause significant service disruptions for customers served through the San Diego switch. Additionally, MCI informs us that using the San Diego switch to provide local exchange services in the State is not feasible due to technical and service quality issues related to distance. If MCI uses the San Diego switch for customers in Hawaii: (1) echo control equipment will be needed for all Hawaii calls,<sup>11</sup> and (2) customers will experience delays, estimated to be approximately 120 milliseconds for local island calls.<sup>12</sup> MCI contends that local island call delays may result in significant customer complaints and will impact MCI's ability to attract and retain Hawaii customers.

MCI states that the PA is unable to reverse its denial of code assignments without a commission decision that it do so.

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<sup>10</sup> Id.

<sup>11</sup> See, Response at 8.

<sup>12</sup> See, Response at 9.

Accordingly, it requests that we issue an order overturning the PA's denial of MCI's request for NXX codes for the Service Areas. It seeks to obtain a single one (1) -thousand block of numbers for each of the six (6) rate centers to establish numbering resources and LRNs to satisfy Verizon Hawaii's interconnection requirements. It further requests that we require the PA and the NANPA to immediately assign the codes requested by MCI.

### III.

#### Consumer Advocate's Position

The Consumer Advocate does not oppose MCI's request. It recommends that the commission overturn the administrator's denial of MCI's request for additional NXX codes.<sup>13</sup> The Consumer Advocate's position is based on the following reasons:<sup>14</sup>

1. MCI has demonstrated a need for the requested block of numbers and has exhausted all other available remedies;
2. Granting MCI's request will facilitate and encourage facilities-based competition in the State, which is in the public interest; and
3. Limiting the numbering resources that MCI will receive to only six one-thousand block numbers will mitigate concerns about "number hoarding".

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<sup>13</sup>See, SOP at 8.

<sup>14</sup>See, SOP at 4.

#### IV.

##### Findings and Conclusions

In an order adopted on December 12, 2001, the Federal Communications Commission ("FCC") established a "safety valve" mechanism, and charged state public utility commissions with the authority to hear claims when carriers are denied requests for numbering resources from the NANPA or the PA.<sup>15</sup> Federal regulations specify that state commissions may overturn a "decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."<sup>16</sup>

Upon review, the commission initially finds and concludes that the Petition is properly before this commission. We also find that MCI has sufficiently demonstrated that it has a verifiable need for the numbering resources and that it exhausted all other remedies. MCI needs the numbering resources to utilize its Hawaii switch to serve its customers in the Service Areas. Utilization of the San Diego switch to serve customers in Hawaii would lead to service quality concerns and service disruptions for MCI customers. Additionally, upon the PA's denial of MCI's request for numbering resources, MCI's request for commission

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<sup>15</sup>See, *In re Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number Portability*; Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200; CC Docket Nos. 99-200, 96-98 and 95-116; Adopted December 12, 2001 and Released December 28, 2001; FCC 01-362 at ¶ 61.

<sup>16</sup>See, 47 C.F.R. 52.15(g)(4).

review and reversal of the administrator's decision is its only recourse.

MCI intends to retain only 1,000 out the 10,000 numbers in each of the six (6) blocks of NXX codes for each of the rate centers. This decision mitigates concerns with regards to "hoarding" of numbering resources. Additionally, the commission believes that overturning the PA's denial of MCI's request for numbering resources is consistent with the public interest since it will encourage facilities-based competition and investment in the State.

Accordingly, the commission concludes that the PA's denial of MCI's June 16, 2004 request for numbering resources should be overturned, provided that MCI is only authorized to receive and/or retain 1,000 numbers from each of the six (6) NXX thousands-block codes to serve the six (6) rate centers of the Service Areas.

#### V.

#### Orders

##### THE COMMISSION ORDERS:

1. The Petition, filed on July 7, 2004, is properly before this commission.

2. The PA's denial of MCI's June 16, 2004 request for numbering resources is overturned, provided that MCI is only authorized to receive and/or retain 1,000 numbers from each of the six (6) NXX thousands-block codes to serve the six (6) rate centers of the Service Areas. Accordingly, the commission


requests that the PA and the NANPA assign the numbering resources to MCI in accordance with our determinations in this decision and order as expeditiously as possible.

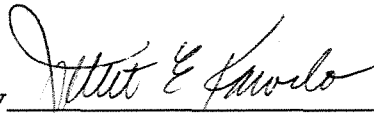
3. MCI shall conform to all of the commission's orders, as set forth above. Failure to adhere to our orders constitutes cause for the commission to void this order, and may result in further regulatory actions as authorized by law.

DONE at Honolulu, Hawaii AUG 27 2004.

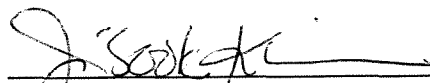
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Ji Sook Kim  
Commission Counsel

04-0166.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21325 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: AUG 27 2004